

## REMARKS/ARGUMENTS

### *Status of Claims*

Claims 1-36 are pending in the application

Claims 1-20, 24-26, and 36 are hereby canceled.

Claims 21, 23, 27, 29, 33, and 34 are hereby amended.

Claims 37-55 are new.

Applicant hereby requests further examination and reconsideration of the presently claimed application.

### *Response to Restriction Requirement*

The claims were restricted into the following groups:

I. Claims 1-20, drawn to a method of servicing a well bore, classified in class 166, subclass 244.1.

II. Claims 21-36, drawn to a wellbore servicing fluid, classified in class 507, subclass 203.

The Applicants confirm the election of Group II and hereby cancel claims 1-20.

### *35 USC §102 and §103 Rejections*

Claims 21-28 and 31-36 stand rejected under 35 USC § 102(b) as being anticipated by *Bromberg* (U.S. 5,939,485). Claims 29 and 30 stand rejected under 35 USC § 103(a) as being unpatentable over *Bromberg* in view of *Reddy* (U.S. 6,444,316). Claims 21-24 and 35 stand rejected under 35 USC § 102(b) or § 103(a) as being anticipated by or unpatentable over *Hiller* (U.S. 3,241,612). Claims 29 and 30 stand rejected under 35 USC § 103(a) as being unpatentable over *Bromberg* in view of *Reddy*. According to MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Likewise, MPEP § 2142 requires that “the prior art reference must

teach or suggest all the claim limitations” in order to establish a *prima facie* case of obviousness. Applicant respectfully submits that the cited prior art does not teach or suggest each and every limitation set forth in the pending claims, and therefore does not anticipate or make obvious the amended claims.

Referring to amended claim 21, the cited prior art fails to teach or suggest a well bore servicing fluid comprising a thermally activated viscosification compound comprising an ionic water-soluble, hydrophobically modified polymer. Specifically, *Bromberg* teaches that his polymer network comprises a responsive component and a structural component. See *Bromberg*, col. 6, lines 3-5. The structural component does not contain any hydrophobic and hydrophilic regions. Instead, the responsive component contains hydrophobic and hydrophilic regions and is non-ionic. See *Bromberg*, col. 7, lines 17-24. Similarly, *Hiller* teaches that his polymer compound is methylcellulose, which is known to be non-ionic. See *Hiller*, col. 2, lines 7-15. Thus, not only do *Bromberg* and *Hiller* fail to teach or suggest the ionic water-soluble, hydrophobically modified polymer, they specifically teach away from such a limitation by teaching that his responsive component is non-ionic. Reddy is not cited to teach such a limitation, and rightfully so because Reddy fails to teach the ionic water-soluble, hydrophobically modified polymer. Because the cited prior art fail to teach or suggest a claim limitation, they cannot anticipate or render obvious amended claim 21. Consequently, amended claim 21 and its dependent claims should be allowed over the cited prior art.

### ***New Claims***

New claims 37-55 have been added to more specifically define several novel and non-obvious aspects of the invention. Claims 37-40 depend on claim 21 and are not anticipated or rendered obvious by the prior art of record for the reasons given above. In addition, the prior art of

record fails to anticipate or render obvious a well bore servicing fluid comprising a thermally activated viscosification compound comprising a non-ionic water-soluble, hydrophobically modified polymer, wherein the thermally activated viscosification compound is substantially free of a surfactant, as recited in claim 41-48. Similarly, the prior art of record fails to teach or render obvious a well bore servicing fluid comprising a thermally activated viscosification compound comprising a non-ionic water-soluble, hydrophobically modified polymer, and an ionic surfactant, as recited in claims 49-55. Support for these new claims is found in paragraphs 12 – 18 of the specification.

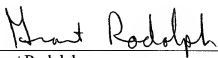
### CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by Applicant. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Office Action dated April 19, 2006 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,

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